

Appleton,  
WARRINGTON,  
Cheshire.

20<sup>th</sup>. February 2006

Mr. David Whitehead,  
Chief Executive,  
Warrington Borough Council,  
Town Hall,  
WARRINGTON,  
Cheshire

Dear Mr. Whitehead,

**The proposed demolition of Stockton Heath Primary School and its  
Replacement by a New Building: Planning Application: 2006/07415**

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The proposed demolition of Stockton Heath Primary School and its replacement with a new building has raised so many important issues and questions about the internal processes and procedures within Warrington Borough Council. Like many people living in and around Stockton Heath, I have become very interested and now concerned about the procedures, transparency, quality of decision-making and the democratic involvement of public opinion that, in my view, there is a very serious information and democratic deficit resulting in the danger of flawed assessment and judgement by Council officials. I would like to substantiate my view.

**The decision making and public consultation processes and procedures concerning Stockton Heath Primary School:**

The preparation of the two feasibility reports by Mr. Tim Warren, Head of Children's Services (mentioned in the current planning application) which purported to assess the relative merits of a) the adaptation of the current building to meet the future requirements of the school and b) the demolition of the same and its replacement by a new building has not been exposed to wide public scrutiny or assessed by independent assessors. The resultant decision by the education service appears, therefore, to be narrowly based upon pure accountancy costs and estimates with little serious consideration given to the wider educational, environmental, sustainability and community concerns. The public does not know on what basis the costs and estimates were prepared and remain unconvinced that the adaptation scheme is more expensive than the new-build. To achieve such an un-convincing conclusion, the figures must have been compiled such that unnecessary refurbishment, contingency elements and other unknown factors have been added to add bias to the figures or that the grant regime itself is biased towards new build. The point has been made that new-build schemes always overshoot the targets by huge margins in education schemes. Several millions of pounds of taxpayers' and ratepayers' money are involved in this scheme and thus the community has a right to examine the financial details. In any case, costs are not the real concern of this project except they have driven or have been used to drive the new build solution: there is a great difference between value and price. The wider Stockton Heath community has not been given the formal opportunity to express its preference for the alternative scheme which proposed adapting the much loved Arts and Crafts school building which is in very good physical condition. The documents of the planning application inform us that 'public consultation' was restricted to the immediate 'stakeholders'. Moreover, it is not known how this narrowly based 'consultation' exercise was directed and debated or by what criteria it came to its conclusions. Also, I note from the planning application that potential builders were consulted on the new build process. Builders do not normally advise local authorities unless there are potential pecuniary interests. Why was this so when the local authority's architects and quantity surveyors could give professional building advice? The fact that the decision of the

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education service was announced without wider community consultation and discussion and, importantly, included in the decision making gives rise to the strong and unfortunate suspicion that the whole exercise has been driven towards the new build decision from the outset. The evidence for this perception is that the public meeting chaired by Mr. Tim Warren at Appleton Hall School was the presentation of a *fait accompli* to a large group of citizens whose views had never been sought and incorporated into the decision making process. Mr. Warren received an uncomfortable reception by the assembly whose views were discarded in a perfunctory manner. Thus Warrington Borough Council has been well aware of the strong community feeling on this issue yet it has continued with its flawed democratic procedures. No satisfactory explanation has been given to the wider community as why it was not consulted and its view taken into account. The Council has not reviewed its decision-making and public consultation procedures to take into account the public view in a more citizen sensitive manner. Why? In my view, this is not the way that a local authority, which purports to represent the community and is paid for by that community, should behave in the twenty-first century. Getting away with the smallest fig leaf of public consultation and bulldozing-on regardless appears to be the Council's preferred *modus operandi*. Warrington Borough Council's current poor standard of public consultation and involvement in the decision making of the planning process is contrary to the strong and unequivocal guidance given in PPS1 Paras. 7, 8, 11. Similarly, Stockton Heath Parish Council, which supported the new-build option, appears more interested in political posturing than in supporting the opinions of those citizens it claims to represent. These events reveal the severe democratic deficit in Warrington Borough Council's handling of this affair. I will return to this issue below under the planning procedure concerns.

Under the Freedom of Information Act, I would like, therefore, to receive or view (if costs and volume of material are prohibitive) copies of the all background reports on school planning and re-organisation contextual to the Stockton Heath feasibility reports, the feasibility reports themselves together with any relevant minutes of meetings and file notes between the relevant Council officers of those departments involved. I would also like to receive or view the minutes between Council officers and those potential builders who have been approached to 'give advice' (as mentioned in the planning application). They could potentially have a vested interest in promoting the new build outcome.

### **The procedures of the current planning application and the quality of the documentation.**

*(see also my letter of objection to the planning application)*

The current planning application now brings into question the transparency of intra-corporate procedures of Warrington Borough Council. Are there formal internal procedures in place such that the education service's application could be overturned by the planning considerations especially after such investment in preparation by Mr. Tim Warren? Can the public see the evidence that the decision has not been stitched-up within the confines of the Council's offices secure from public scrutiny? The test is going to be whether the legal and powerful planning objections to the current application will be such that the planning application will be refused particularly since a) the local planning authority is part of the council which is itself the applicant and b) the application goes against to the Council's UDP policies, government legislation and advice. Can the public be assured that the case officer, Mr. Clive Sutton, possesses sufficient independence of authority and judgement to professionally examine and make recommendations on planning grounds for the application without 'having his arm twisted' or of being accused of not being a 'team player'. (I am a local government planning officer having direct experience of planning applications, so I am well aware of the internal pressures on planning officers). You will be aware that this application affects the setting of a Conservation Area (see Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and *Para. 4.14: Planning Policy Guidance 15*) and would destroy important Roman archaeological remains. Furthermore, I am informed that Warrington Borough Council's Conservation Officer has not yet been consulted on these important and valid conservation issues (see PPG15: Para. 4.14). Why? Similarly, will she, together with her archaeology colleagues, also possess sufficient authority to give an independent professional assessment and recommendations to the case officer, Mr. Sutton without a 'word in her ear'. Will Mr. Sutton take and be allowed to take any

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conservation assessment and recommendation for refusal into serious consideration. Furthermore, if the application does go before the Plans Committee, will the Committee independently examine and determine the case rather than merely rubber-stamp an already internally agreed conclusion as so often happens with local authority Planning Committees. Will the Plans Committee review its legal status and powers in this case (see later), take cognizance of the planning issues and public objections and give due weight to their views?

Again, there are very serious issues of democracy at stake since under the above scenarios the Council would be functioning as applicant, assessor, judge and jury. Such an incestuous situation would not be tolerated in the civil and criminal courts. Since this is a legal situation, these vested interests need to be open to scrutiny and addressed. Furthermore, if the local planning authority is minded to go against its own UDP policies such as BH6 (I am aware of the 'reasons' clause in BH6; but this means planning reasons NOT educational or other reasons) and demolish the school

The quality and content of the planning application document:

The documentation accompanying the current planning application does not provide enough relevant information such that the public can respond with informed comment nor the case officer properly assess the application. For example, nearly half the thickness of the report is padded with detailed subsoil analyses which are not relevant to the planning application. There is an archaeological report which stresses the immense importance of Roman remains just below the playground surface and yet does not make the obvious, unpleasant recommendation of refusal of the application. There is no statement by the Conservation Officer concerning the valid conservation issues to be addressed in this application. There is much unsubstantiated assertion about the aesthetic claims of the new building which clearly does not fit in with the surrounding buildings with its squat and bland appearance, un-sympathetic roof form and paucity of interesting form and detail. And although there is a general statement of school travel aspirations throughout Warrington, there is no assessment of the highway and transport impact for the surrounding houses (conveniently omitting figures for traffic generation) and Stockton Heath Conservation Area. Again, there are assertions about the BREAM sustainability characteristics of the new build but there is no discussion or assessment of the sustainability merits of the re-furbishing the existing building. Are the BREAM benchmarks the only sustainability benchmarks?

As a result, the current Planning Application as it has been submitted (and if it were to be on my desk as a planning officer), I would have no hesitation of recommending **refusal** on Council UDP policy grounds (BH6), design, urban context and local distinctiveness grounds (PPS 1), conservation objections (PPG 15: Para 4.14), archaeological assessment (PPG16), anticipated traffic and highway grounds and insufficient information to determine the application. All these are very powerful grounds for refusal. Furthermore, in my experience, such a recommendation for refusal (especially when there is a perfectly valid and much less invasive alternative) would have more than an excellent chance of winning in a Planning Appeal.

A much bigger question is whether the local planning authority actually possesses the legitimacy to approve the application since the application is contrary to its own UDP policies, Sections 69 + 72 of the principal urban conservation act and government advice. If the Council wishes to process the application, it should withdraw the application, prepare full, relevant and informative reports demonstrating both sides of the argument equally and send it to the ODPM/DCMS/EH for determination.

Finally, if the Council does not take on these weighty planning considerations, it would have patently failed in complying in its statutory duties under Sections 69 and 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and following government planning advice (e.g. *Planning Policy Guidance 15: Para 4.14* i.e. 'development proposals which are outside the conservation area but would affect its setting, or views into or out of the area'). It would also have failed in seriously trying to achieve its parallel BVPI\*\* 219 (a-c) objectives in that it would have made a decision about a large planning application affecting a too-tightly drawn conservation area whose boundaries have not been reviewed for many years.

With all these considerations in mind, I would like to request that the Council reverse its education service's desired new-build proposal. The Council should retain the school as a Building of Local Interest (BH6) and re-furbish the same. The Council should withdraw or refuse the planning application.

There is a 'win-win' solution such that everybody can be satisfied i.e. retain the Arts and Crafts styled Stockton Heath Primary School and sensitively refurbish the school as a Building of Local Interest. Finely preserved examples of Warrington's Roman past would also be preserved.

Yours sincerely,



James R. Gibson,

cc: Mr. Clive Sutton, Planning Officer  
Democratic Support Unit.  
Stockton Heath Primary School Campaign Group

- \* education service: Is it still called this or is it Children's Services ?
- \*\* **Best Value Performance Indicators** for urban conservation